

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

COMMON CAUSE INDIANA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:12-cv-01603-RLY-DML
)	
INDIANA SECRETARY OF STATE, in her)	
official capacity, INDIVIDUAL MEMBERS)	
OF THE INDIANA ELECTION)	
COMMISSION, in their official capacities; and)	
GOVERNOR OF THE STATE OF INDIANA,)	
in his official capacity,)	
)	
Defendants.)	

APPELLANTS' DOCKETING STATEMENT

In compliance with Rule 3 of the Federal Rules of Appellate Procedure and Seventh Circuit Rule 3(c), Defendants-Appellants the Indiana Secretary of State, Individual Members of the Indiana Election Commission, and the Governor of the State of Indiana, submit this docketing statement.

1. **Statement of District Court Jurisdiction:** Plaintiff brought this action via 42 U.S.C. § 1983, challenging the constitutionality of the statute governing judicial elections in Marion County, Indiana Code § 33-33-49-13, under the First Amendment to the United States Constitution. Accordingly, the District Court has general federal question jurisdiction under 28 U.S.C. § 1331.

2. **Statement of Appellate Jurisdiction:** On October 9, 2014, the District Court issued a Final Judgment (Doc. No. 71) and Entry on the Parties' Cross Motions for Summary Judgment (Doc. No. 70) in which it granted the Plaintiff's motion for summary judgment and denied the Defendants' motion for summary judgment. The District Court permanently enjoined

Defendants from enforcing Indiana Code § 33-33-49-13, but stayed enforcement of its ruling pending a final determination by the Seventh Circuit Court of Appeals. Doc. No. 70.

This is an appeal from the final judgment, and the Seventh Circuit has jurisdiction pursuant to 28 U.S.C. § 1291, which provides the courts of appeals with appellate jurisdiction over final judgments of district courts.

This is not a direct appeal from the decision of a magistrate judge.

No Rule 59(e) Motion to Alter or Amend Judgment or other motion tolling the time for filing a Notice of Appeal has been filed.

A Notice of Appeal is being filed contemporaneously with this Docketing Statement on October 17, 2014.

3. **Prior or Related Appellate Proceedings:** There have been no prior or related appellate proceedings in this case.

4. **Current Occupants of Offices Appearing in Their Official Capacities:** The following Defendants are named in their official capacities: the Indiana Secretary of State, Individual Members of the Indiana Election Commission, and the Governor of the State of Indiana. All of these officials still occupy their respective offices.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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